

BILL NO. Z-86-12-22

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. E-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is  
hereby designated a B-3-B (General Business) District under  
the terms of Chapter 33 of the Code of the City of Fort  
Wayne, Indiana of 1974:

The South 200 feet of Lot #8 and all of Lots #2 through  
#7 and #9 through #13 in Pavey's Subdivision,  
and the symbols of the City of Fort Wayne Zoning Map  
No. E-2, as established by Section 11 of Chapter 33 of the  
Code of the City of Fort Wayne, Indiana are hereby changed  
accordingly.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and approval by the  
Mayor.

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

BRUCE O. BOXBERGER, CITY ATTORNEY



Read the first time in full and on motion by E. Stier seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Regulatory (and the Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

DATE: 12-23-86

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury seconded by Stier, and duly adopted, placed on its passage. ~~PASSED~~ (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>0</u>	<u>9</u>	_____	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	_____	<u>✓</u>	_____	_____	_____
<u>GIAQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	_____	<u>✓</u>	_____	_____	_____
<u>REDD</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 3-24-87

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
WIN MOSES, JR., MAYOR

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 5809, 5821, 5905, 5911, 5915, 5925, 6003, 6009 and  
6011 Illinois Road and 1333, 1219, 1403, 1413, 1419, 1511, 1529,  
1617, 1621 and 1625 Getz Road

EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential.

Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_



# Division of Community Development & Planning

FACT SHEET

200-12-22

BILL NUMBER

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Map Amendment		
From R-1 to B-3-B		

## DETAILS

<b>Specific Location and/or Address</b>  Southeast corner of Getz & Illinois Road
<b>Reason for Project</b>  A planned shopping center development with individual or condominium offices also.
<b>Discussion (Including relationship to other Council actions)</b>  <u>15 December 1986 - Public Hearing</u>  Minutes for this meeting are attached.   <u>22 December 1986 - Business Meeting</u>  This request was deferred for 60 days to allow for the completion of the Illinois/W. Jefferson Corridor Study.  <u>2 March 1987 - Business Meeting</u>  Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried. Of the 8 members present 7 voted in favor of denial one (1) did not vote.  NOTE: Site Committee stated that a request for a change of zone to a B-2-D should not be considered by the Plan Commission until

POSITIONS	RECOMMENDATIONS
<b>Sponsor</b>	City Plan Commission
<b>Area Affected</b>	City Wide  Other Areas
<b>Applicants/Proponents</b>	Applicant(s) Duraski Development Corp. City Department  Other
<b>Opponents</b>	Groups or Individuals Kathleen McBride Jeff Havert <b>Basis of Opposition</b> -heavy traffic congestion -increase flooding in area
<b>Staff Recommendation</b>	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against  <b>Reason Against</b> -B-3-B would allow incompatible uses - the B3B does not allow Dev. Plan Review
<b>Board or Commission Recommendation</b>	By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to condition (See Details column for condition)
<b>CITY COUNCIL ACTIONS</b> (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

**DETAILS**

all the required information for the development plan under this district is submitted and the staff has had a chance to review and evaluate the proposal.

**POLICY/PROGRAM IMPACT****Policy or  
Program  
Change**☐

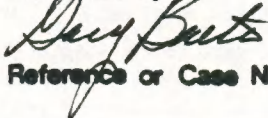
No

☐

Yes

**Operational  
Impact  
Assessment**

(This space for further discussion)

**Project Start****Date** 14 November 1986**Projected Completion or Occupancy****Date** 3 March 1987**Fact Sheet Prepared by**  
Patricia Biancaniello**Date** 3 March 1987**Reviewed by****Date**

6 March 1987

**Reference or Case Number**

- b. Change of Zone #233  
From R-1 to B-3-B  
Southeast corner of Getz and Illinois Road

Stephen Trotter, attorney, representing Duraski Development Corporation, the applicants. He stated that the initial applica-



tion was for a B-3-B zoning but after meeting with the staff they have agreed to a B-2 preferable a "D" designation. He stated that this is for a planned shopping center development with individual or condominium offices on the south side, which would serve as a buffer to that part of the residential neighborhood.

David Cole, architect, described the proposed development. He stated that it is approximately 36 acres and the project ranges from 230,000 sq ft shopping center on one story, possible two story. He stated also is a separate building a cinema 8,200 sq ft a bank at 3,200 sq ft and a restaurant with about 5,000 sq ft. He stated that is a total coverage of 246,000 sq ft. He stated that separate from that along the south side of the site are 10 office condominiums at 4,500 sq ft a piece, for a total of 45,000 sq ft of office space. He stated that they have had a preliminary routing and have discussed with city staff and CD&P the implications of the project. He stated that they have shown an entry to the north opposite the entry to the Automat, they are connecting up with the frontage road from O'Daniels and they are showing an exit on Getz Road, which they understand that there is some concern of the City staff on that access. He stated that they are also aware that all traffic decisions on the Illinois Road Corridor are pending a study that a traffic consultant is doing for the city. He stated that they are in the process of generating proposed traffic generations for this project and have initial discussion with the Traffic Consultant to give him our input. He stated that they are showing a perimeter road to take the traffic for this project onto the interior of the site breaking up the parking into smaller areas and trying to save as much existing vegetation on the south and on the west as a buffer to the residential. He stated that in addition the office condos are one story with parking broken up into smaller pieces. He stated that they are showing a 100 foot plus buffer to the west along Getz Road. He stated it will have a manmade creek and retain natural vegetation. He stated they also have buffering along the south between the residential there. He stated they also have shown cul-de-sacs on the south side of the site to take care of a potential dead end street in the residential development to the south.

Mel Smith asked how many homes were located on the property in question.

Mr. Cole stated that there are 13 parcels of land but there are approximately 20 homes on the property.

Mel Smith questioned where the drainage from the property would be directed.

Duane Embury with Z.K. Tazian Engineers, stated they have spoken with Bill Sweet, County Surveyor regarding the Flaugh Drain and the Lawrence Drain. He stated they will either have to retain



the off-site drainage for the improvement area if it runs to the Lawrence Drain or the County Surveyor has asked them to divert the shed from this site, which can be done, to the Flaugh. He stated that the Flaugh is less developed and has a lot more restrictions with the Floodplain than the Lawrence. He stated that in the southeast corner of the property there is a naturally draw through there that could be picked up and all of the onsite developed drainage could be diverted to the Flaugh. He stated that in essence the Lawrence Drain would be relieved of 35 acres of drainage. He stated that this is in compliance with the County Surveyor's own restrictions to development to the north of the area, which also is developing 40 acres to the Flaugh.

Ben Eisbart questioned the creek along Getz Road.

Duane Embury stated it is a manmade creek it is for aesthetics. He stated probably some of the water will have to be regenerated in the area. He stated it will have a false bottom.

Steve Trotter stated that they had a neighborhood meeting at one of the area church's last Monday and tried to address any questions they may have had regarding property values. He stated they feel that the area is a growing and expanding area in the community and if allowed to develop it in the manner they wish to that it should only enhance property values. He stated that one of the suggestions that came from the meeting was that the seniors in the area having no where to walk, asked if they could possible consider a foot path to run parallel to the frontage road. He stated they request they elevate it something like the one that runs along the river on Spy Run. He stated that they are trying to work that into the plan. He stated that he hoped in meeting with the area residents they responded to the their questions and concerns.

Ben Eisbart questioned which associations had been notified.

Mr. Trotter stated they had sent letters to all of the homes on Getz Road and the Westmoor Park Association.

Ben Eisbart questioned if they had notified the Reckeweg Neighborhood Association.

Mr. Trotter stated they had not.

Steve Smith stated that one of the concerns raised it to have no commercial access onto Getz Road. Mr. Smith questioned if the project were feasible with only one ingress/egress on Illinois Road.

Mr. Cole stated that it would make it more difficult, but they feel that Getz Road and its future development plans so that ingress/egress from Getz Road would enhance the facility and



create a better atmosphere for seeking tenants who are going to make the same inquiries. He stated that they feel traffic studies will show that it should not be -- that it is harmful to the Getz Road area to allow ingress/egress in the area as indicated on the site.

Duane Embury stated that the apartment complexes along Covington are fully developed and feed a lot of traffic along the Covington Road area to the north. He stated to have traffic go up Covington Road all the way to S.R. #14 then go east to the ingress road which would then be going south and into the complex, is going to create a much greater traffic pattern at S.R. #14. He stated that if they have an entrance starting at approximately 1400 feet south of the intersection most of the traffic that wants to feed into that area (inaudible) ...south of S.R.#14 would be a better safety pattern.

Herman Friedrich stated he would think that the Fire Department would want two exits in the development.

Ben Eisbart questioned what Duraski Development had developed in this area.

Mr. Cole stated that Mr. Duraski is from the St. Louis area this will be his first mid-west project.

Ben Eisbart questioned if he had developed any other multi-use shopping centers.

Mr. Cole stated not at this time.

Floyd Lancia representing Waterford Enterprises an Indiana General Partnership, and the properties located 1312, 1334 and 1404 Getz Road. He stated that this properties are directly across the street from the proposed development. He stated he was speaking in favor of the petition basically because they really think that this is the normal progression of development in terms of commercial real estate in the area, particularly starting at the Illinois Road and going south.

Kathleen McBride, 1703 Getz Road appeared before the Commission. Ms. McBride stated that she is the lot adjacent to the property on the south. She stated that there is a natural drainage ditch there presently that is insufficient and their yard gets water backed up in it. Her question was if they put the landscaping in will this affect the drainage ditch even more. She stated that she also wanted to note that some of the people in the Breconshire addition, which is directly south of this parcel, did not receive an invitation to the meeting held by the developer.

Jeff Havert, 1416 Getz Road stated that the traffic on Getz is already a problem. He stated that this development can only add



to the problem. He stated that they say that this development will increase property values but that is their opinion.

Duane Embury addressed the drainage concerns. He stated that the drainage swail that was referenced by Ms. McBride was part of the swail that they intend to clean up and modify and the massive amount of water that goes through their now will not go through there. He stated that they intend to divert the water to go through the Flaugh Ditch with the blessing of the County Surveyor's Office. Mr. Embury stated that part of the planning process will give the residents another chance at input into the development.

Ben Eisbart explained that this project will have several steps to go through in order to be developed. He stated that the Commission is simply considering rezoning the property tonight, not acting upon it. He stated that because they have asked for a shopping center designation, if rezoned, a development would have to be show where everything is going to be located, buildings, landscaping, etc. He stated if it gets to the development stage the residents will again be notified and have a change at input at another public hearing.

Ben Eisbart questioned where the Flaugh Ditch was located.

Mr. Embury stated that it runs parallel with Magnavox Way roughly 1300 feet to the west of Getz.

David Cole stated that traffic would have to be dealt with when the traffic plan is complete. He stated they are working with Traffic Engineering closely and in a responsible manner to solve any problems. He stated as far as property values it will be conjecture at this time if there will be any value increase or decrease. He stated that he thought it was to be recognized that the south and southwest area of Fort Wayne is developing in a very positive way. He stated they plan to develop the project with a lot of greenery, a lot of vegetation; breaking up the "sea of asphalt" into a bunch of small ponds beautifully surrounded by vegetation. He stated they want to be a plus to the neighborhood. He stated if allowed to do it as they propose they will be a plus to the neighborhood and enhance property values.

Ben Eisbart suggested that anyone interested should meet with the developer.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.



**RECEIPT**

No 1151

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 4/14 1986

RECEIVED FROM Community Dev. Co. \$ 200.00

THE SUM OF Two Hundred DOLLARS

ON ACCOUNT OF Office

AUTHORIZED SIGNATURE [Signature]



RECEIPT NO. \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

RECEIVED

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

NOV 14 1986

I/We See Addendum I

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an B-3-B District the property described as follows:

The parcels more particularly described in EXHIBITS "A" through " S ". Attached hereto, and by this reference incorporated herewithin EXHIBIT "A" through EXHIBIT " S ", containing the legal description of property owned by: See Addendum I.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: See Addendum II(a), II(b) and II(c)

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

See Addendum IV

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Stephen D. Trotter  
(Name)

1200 Anthony Wayne Bank Bldg.  
Fort Wayne, IN 46802  
(Address & Zip Code)

219-426-5500  
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

**Legal Description of property to be rezoned.**

The parcels more particularly described in EXHIBITS "A" through "S" attached hereto, and by this reference incorporated herein, EXHIBITS "A" through "S" containing the legal description of property owned by:  
See Addendum II(a), II(b) and II(c).

**Owners of Property**

See Addendum V

(Name)

(Address)

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

**NOTICE:**

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.



## PETITION FOR ZONING ORDINANCE AMENDMENT CONTINUED

Continuation of applicants' names.

Dwight and Marilyn Umber

Melvin Jack and Barbara B. Powell

DeWayne R. and Carol M. Fairchild

DeWayne R. and Carol M. Fairchild

Russell Ray and Edna Lillian Cline

Betty L. Cox and Hazel E. Combs

Paul H. and Wilma M. Ginder

Merle L. Carter

Merle L. Carter

Robert J. and Hilda M. Dill

Richard and Eileen Kimmel

Melvin Jack and Barbara B. Powell

Robert E. Connolly and Kyle L. Howard

Thomas J. Brewer, Jr.

Melvin J. and Barbara B. Powell

Harry A. and Mary C. Jacobs

Howard T. and Thelma J. Miller

Danny L. Springer and Karen K. Springer

Karen K. Springer

## PETITION FOR ZONING ORDINANCE AMENDMENT CONTINUED

Property description (Legal Description).

The parcels more particularly described in EXHIBITS "A" through "G" attached hereto, and by this reference incorporated herein:

EXHIBIT "A", containing the legal description of property owned by: Dwight and Marilyn Umber: Lot No. 2 in Pavey's Subdivision to Fort Wayne according to Plat thereof, recorded in Plat Record 14, Page 124 in the Office of the Recorder of said County.

EXHIBIT "B", containing the legal description of property owned by: Melvin Jack and Barbara B. Powell: Lot No. 3 in Pavey's Subdivision to Fort Wayne, being a subdivision of part of the west half of the northeast quarter of Section 7, Township 30 North, Range 12 East, in Allen County, Indiana, excepting therefrom the North 75 feet thereof as conveyed to the State of Indiana by deeds recorded as Deed Record 369, Page 67, and the deed record 664, Pages 97-98.

EXHIBIT "C", containing the legal description of property owned by: DeWayne R. and Carol M. Fairchild: East half of Lot No. 4 in Pavey's Subdivision to Fort Wayne, being a subdivision of part of the west half of the Northeast quarter of Section 7, T-30 North, R-12 East in A.C., Indiana, according to the recorded plot thereof.

EXHIBIT "D", containing the legal description of property owned by: DeWayne R. and Carol M. Fairchild: The West one-half of Lot No. 4 in Pavey's Subdivision to Fort Wayne, being a subdivision a part of the West half of the Northeast quarter of Section 7, T-30, N, R-12 E.

EXHIBIT "E", containing the legal description of property owned by: Russell Ray and Edna Lillian Cline: The East half of Lot No. 5 in Pavey's Subdivision to the City of Fort Wayne, as per the plots thereof recorded in Plat Record 14, Page 124 in the Office of the Recorder of Allen County, Indiana.

EXHIBIT "F", containing the legal description of property owned by: Betty L. Cox and Hazel E. Combs: The West half of Lot No. 5 in Pavey's Subdivision to the City of Fort Wayne, except sale off for highway purposes as shown in Deed Record 369, Page 67 in the Office of the Recorder of Allen County, Indiana.

EXHIBIT "G", containing the legal description of property owned by: Paul H. Ginder and Wilma M. Ginder: Commencing at the intersection of the Illinois and Getz Roads at the North 1/4 corner of Section 7, T-30 N, R 12E, A.C., Indiana; thence East on the Centerline of said Illinois Road a distance of 360 feet to the place of beginning, thence East on said Centerline of said Illinois Road 68 feet; thence South 640.5 feet to a point 428 feet East of the Centerline of said Getz Road; thence West on a line parallel with the central line of said Illinois Road 68 feet; thence North 640.5 feet to the place of beginning containing once acre more or less. Said tract of real estate is also known as the East 1/2 of Lot Numbered Six (6) in Pavey's Subdivision to the City of Fort Wayne, according to the recorded plat of said Subdivision.



## PETITION FOR ZONING ORDINANCE AMENDMENT CONTINUED

Property description (Legal Description).

The parcels more particularly described in EXHIBITS "H" through "N" attached hereto, and by this reference incorporated herein:

EXHIBIT "H", containing the legal description of property owned by: Merle L. Carter: West 1/2 of Lot Number Six (6) in Pavey's Subdivision to Fort Wayne, being a subdivision of the part of the West half of the Northeast quarter of Section Seven (7), Township Thirty (30) North, R Twelve (12) East, in A.C., IN, commonly known as 6009 Illinois Road, Fort Wyane, IN.

EXHIBIT "I", containing the legal description of property owned by: Merle L. Carter: Lot Number 7 in Pavey's Subdivision to Fort Wayne, being a Subdivision of Part of the West Half of Northeast Quarter, S-7, T-30N, R 12E in A.C. IN, as per the Plat Record 14, page 124.

EXHIBIT "J", containing the legal description of property owned by: Robert J. and Hilda M. Dill: The South One Hundred (100) feet of Lot Numbered Eight (8) in Pavey's Subdivision to Fort Wayne according to the Plat recorded in Plat Record 14 at Page 124 in the Recorder's Office of Allen County, excepting therefrom the West Forth (40) feet thereof as recorded in W.D. 76-11269 in the Office of the Recorder of A.C., IN.

EXHIBIT "K", containing the legal description of property owned by: Richard and Eileen Kimmel: Part of the NE Quarter of S-7, T-30 N, R 12E A.C., IN more particularly described as follows: The West 15.0 feet of the South 100.0 feet of Lot No. 8 Pavey's Subdivision to the City of Fort Wayne, IN, containing 0.03 acres of land, more or less.

EXHIBIT "L", containing the legal description of property owned by: Melvin Jack and Barbara B. Powell: Lot Number 9, except the West 320 feet thereof, in Pavey's Subdivision to Fort Wayne, being a Subdivision of part of the West half of the North East quarter of Section, Township 30 North, Range 12 East, in Allen County, Indiana.

EXHIBIT "M", containing the legal description of property owned by: Robert E. Connolly: The West 320 Feet of Lot No. 9, Pavey's Subdivision except the North 75 feet thereof, as recorded in the plat thereof in the office of the recorder of Allen County, Indiana.

EXHIBIT "N", containing the legal description of property owned by: Thomas J. Brewer, Jr.: Part of Lot Number 9 in Pavey's Subdivision to Fort Wayne, being a subdivision of part of the West 1/2 of the Northeast 1/4 of Section 7, Township 30 North, Range 12 East, in Allen County, Indiana, described as follows: Starting at the Northwest corner of said Lot Number 9, thence South along Getz Road 75 feet; thence East parallel with the North line of said Lot 9, 320 feet; thence North 75 feet to the North line of Lot Number 9, thence West along said North line of Lot Number 9, 320 feet to the place of beginning, except part of the North-east Quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows: The West 15.0 feet of the North 75.0 feet to the West 295.0 feet of Lot 9, Pavey's Subdivision to the City of Fort Wayne, Indiana, containing 0.03 acres of land more or less.

## PETITION FOR ZONING ORDINANCE AMENDMENT CONTINUED

Property description (Legal Description).

The parcels more particularly described in EXHIBITS "O" through "R" attached hereto, and by this reference incorporated herein:

EXHIBIT "O", containing the legal description of property owned by: Melvin Jack Powell and Barbara B. Powell: Lot Number 10, except the West 15 feet thereof, conveyed to the County of Allen, Indiana, recorded as Document Number 76-11268, in Pavey's Subdivision to Fort Wayne, being a subdivision of part of the West half of the North East quarter of Section Township 30 North, Range 12 East, in Allen County, Indiana.

EXHIBIT "P", containing the legal description of property owned by: Harry C. Jacobs and Mary C. Jacobs: Lot Numbered 11 in Pavey's Subdivision to Fort Wayne, being a subdivision of part of the West half of the northeast quarter of Section 7, Township 30 North, Range 12 East, according to recorded plat thereof.

EXHIBIT "Q", containing the legal description of property owned by: Howard T. and Thelma J. Miller: Lot Numbered Twelve (12) in Pavey's Subdivision to Fort Wayne, being a subdivision of part of the West one-half ( $1/2$ ) of the northeast one-quarter ( $1/4$ ) of Section 7, Township 30 North, Range 12 East, in Allen County, Indiana.

EXHIBIT "R", containing the legal description of property owned by: Danny L. and Karen K. Springer: Lot Numbered Thirteen (13) in Pavey's Subdivision to Fort Wayne, being a subdivision of part of the West one-half ( $1/2$ ) of the northeast one-quarter ( $1/4$ ) of Section 7, Township 30 North, Range 12 East, in Allen County, Indiana.

EXHIBIT "S", containing the legal description of property owned by: Karen K. Springer: Lot Numbered Thirteen (13) in Pavey's subdivision to Fort Wayne, being a subdivision of part of the West one-half ( $1/2$ ) of the northeast one-quarter ( $1/4$ ) of Section 7, Township 30 North, Range 12 East, in Allen County, Indiana.



## PETITION FOR ZONING ORDINANCE AMENDMENT CONTINUED

Continuation of applicants' -- ADDRESS PROPERTY:

EXHIBIT I.D. commonly known as:

EXHIBIT "A":	5809 Illinois Road,	Fort Wayne, Indiana	46804
EXHIBIT "B":	5821 Illinois Road,	Fort Wayne, Indiana	46804
EXHIBIT "C":	5905 Illinois Road,	Fort Wayne, Indiana	46804
EXHIBIT "D":	5911 Illinois Road,	Fort Wayne, Indiana	46804
EXHIBIT "E":	5915 Illinois Road,	Fort Wayne, Indiana	46804
EXHIBIT "F":	5925 Illinois Road,	Fort Wayne, Indiana	46804
EXHIBIT "G":	6003 Illinois Road,	Fort Wayne, Indiana	46804
EXHIBIT "H":	6009 Illinois Road,	Fort Wayne, Indiana	46804
EXHIBIT "I":	6011 Illinois Road,	Fort Wayne, Indiana	46804
EXHIBIT "J":	1333 Getz Road,	Fort Wayne, Indiana	46804
EXHIBIT "K":	1219 Getz Road,	Fort Wayne, Indiana	46804
EXHIBIT "L":	1403 1413B Getz Road,	Fort Wayne, Indiana	46804
EXHIBIT "M":	1413 Getz Road,	Fort Wayne, Indiana	46804
EXHIBIT "N":	1403 Getz Road,	Fort Wayne, Indiana	46804
EXHIBIT "O":	1419 Getz Road,	Fort Wayne, Indiana	46804
EXHIBIT "P":	1511 Getz Road,	Fort Wayne, Indiana	46804
EXHIBIT "Q":	1529 Getz Road,	Fort Wayne, Indiana	46804
EXHIBIT "R":	1617 1621 Getz Road	Fort Wayne, Indiana	46804
EXHIBIT "S":	1625 Getz Road	Fort Wayne, Indiana	46804

PETITION FOR ZONING ORDINANCE AMENDMENT CONTINUED

We, the undersigned, certify that we are the owners of fifty-one (51%) percentum or more of the property described in this petition.

	(Name)	(Address)	(Signature)
XH "A"	Dwight Umber Marilyn Umber	5809 Illinois Road Fort Wayne, IN 46804	<i>Dwight Umber</i> <i>Marilyn Umber</i>
XH "B"	Melvin Jack Powell Barbara B. Powell	5821 Illinois Road Fort Wayne, IN 46804	<i>Melvin Jack Powell</i> <i>Barbara B. Powell</i>
XH "C"	DeWayne R. Fairchild Carol M. Fairchild	5905 Illinois Road Fort Wayne, IN 46804	<i>DeWayne R. Fairchild</i> <i>Carol M. Fairchild</i>
XH "D"	DeWayne R. Fairchild Carol M. Fairchild	5911 Illinois Road Fort Wayne, IN 46804	<i>DeWayne R. Fairchild</i> <i>Carol M. Fairchild</i>
XH "E"	Russell Ray Cline Edna Lillian Cline	5915 Illinois Road Fort Wayne, IN 46804	<i>Russell Ray Cline</i> <i>Deceased</i>
XH "F"	Betty L. Cox Hazel E. Combs	5925 Illinois Road Fort Wayne, IN 46804	
XH "G"	Paul H. Ginder Wilma M. Ginder	6003 Illinois Road Fort Wayne, IN 46804	<i>Deceased 1-18-66</i> <i>Wilma M. Ginder</i>
XH "H"	Merle L. Carter	6009 Illinois Road Fort Wayne, IN 46804	<i>Merle L. Carter</i>
XH "I"	Merle L. Carter	6011 Illinois Road Fort Wayne, IN 46804	<i>Merle L. Carter</i>
XH "J"	Robert J. Dill Hilda M. Dill	1333 Getz Road Fort Wayne, IN 46804	<i>Robert J. Dill</i> <i>Hilda M. Dill</i>
XH "K"	Richard Kimmel Eileen Kimmel	1219 Getz Road Fort Wayne, IN 46804	<i>Richard Kimmel</i> <i>Eileen Kimmel</i>
XH "L"	Melvin Jack Powell Barbara B. Powell	1403-1413 B Getz Road Fort Wayne, IN 46804	<i>Melvin Jack Powell</i> <i>Barbara B. Powell</i>
EXH "M"	Robert E. Connolly Kyle L. Howard	1413 Getz Road Fort Wayne, IN 46804	<i>Robert E. Connolly</i>
EXH "N"	Thomas J. Brewer, Jr.	1403 Getz Road Fort Wayne, IN 46804	<i>Thomas J. Brewer Jr.</i>
EXH "O"	Melvin Jack Powell Barbara B. Powell	1419 Getz Road Fort Wayne, IN 46804	<i>Melvin Jack Powell</i> <i>Barbara B. Powell</i>
EXH "P"	Harry A. Jacobs Mary C. Jacobs	1511 Getz Road Fort Wayne, IN 46804	
EXH "Q"	Howard T. Miller Thelma J. Miller	1529 Getz Road Fort Wayne, IN 46804	<i>Howard Miller</i> <i>Thelma J. Miller</i>
EXH "R"	Danny L. Springer Karen K. Springer	1617, 1621 Getz Road Fort Wayne, IN 46804	<i>Danny L. Springer</i> <i>Karen K. Springer</i>
EXH "S":	Karen K. Springer	1625 Getz Road Fort Wayne, IN 46804	<i>Karen K. Springer</i>



## PETITION FOR ZONING ORDINANCE AMENDMENT CONTINUED

## Owners of property:

	(Name)	(Address)	(Signature)
EXH "A"	Dwight Umber Marilyn Umber	5809 Illinois Road Fort Wayne, IN 46804	<i>Dwight Umber</i> <i>Marilyn Umber</i>
EXH "B"	Melvin Jack Powell Barbara B. Powell	5821 Illinois Road Fort Wayne, IN 46804	<i>Melvin Jack Powell</i> <i>Barbara B. Powell</i>
EXH "C"	DeWayne R. Fairchild Carol M. Fairchild	5905 Illinois Road Fort Wayne, IN 46804	<i>DeWayne R. Fairchild</i> <i>Carol M. Fairchild</i>
EXH "D"	DeWayne R. Fairchild Carol M. Cairchild	5911 Illinois Road Fort Wayne, IN 46804	<i>DeWayne R. Fairchild</i> <i>Carol M. Fairchild</i>
EXH "E"	Russell Ray Cline Edna Lillian Cline	5915 Illinois Road Fort Wayne, IN 46804	<i>Russell Ray Cline</i> <i>Deceased</i>
EXH "F"	Betty L. Cox Hazel E. Combs	5925 Illinois Road Fort Wayne, IN 46804	
EXH "G"	Paul H. Ginder Wilma M. Ginder	6003 Illinois Road Fort Wayne, IN 46804	<i>Deceased 1-18-66</i> <i>Wilma M. Ginder</i>
EXH "H"	Merle L. Carter	6009 Illinois Road Fort Wayne, IN 46804	<i>Merle L. Carter</i>
EXH "I"	Merle L. Carter	6011 Illinois Road Fort Wayne, IN 46804	<i>Merle L. Carter</i>
EXH "J"	Robert J. Dill Hilda M. Dill	1333 Getz Road Fort Wayne, IN 46804	<i>Robert J. Dill</i> <i>Hilda M. Dill</i>
EXH "K"	Richard Kimmel Eileen Kimmel	1219 Getz Road Fort Wayne, IN 46804	<i>Richard Kimmel</i> <i>Eileen Kimmel</i>
EXH "L"	Melvin Jack Powell Barbara B. Powell	1403 - 1413 B Getz Road Fort Wayne, IN 46804	<i>Melvin Jack Powell</i> <i>Barbara B. Powell</i>
XH "M"	Robert E. Connolly Kyle L. Howard	1413 Getz Road Fort Wayne, IN 46804	<i>Robert E. Connolly</i>
XH "N"	Thomas J. Brewer, Jr.	1403 Getz Road Fort Wayne, IN 46804	<i>Thomas J. Brewer Jr.</i>
XH "O"	Melvin Jack Powell Barbara B. Powell	1419 Getz Road Fort Wayne, IN 46804	<i>Melvin Jack Powell</i> <i>Barbara B. Powell</i>
XH "P"	Harry A. Jacobs Mary C. Jacobs	1511 Getz Road Fort Wayne, IN 46804	
XH "Q"	Howard T. Miller Thelma J. Miller	1529 Getz Road Fort Wayne, IN 46804	<i>Howard Miller</i> <i>Thelma J. Miller</i>
EXH "R"	Danny L. Springer Karen K. Springer	1617, 1621 Getz Road Fort Wayne, IN 46804	<i>Danny L. Springer</i> <i>Karen K. Springer</i>
EXH "S"	Karen K. Springer	1625 Getz Road Fort Wayne, IN 46804	<i>Karen K. Springer</i>

THIS FORM HAS BEEN APPROVED BY THE INDIANA STATE BAR ASSOCIATION FOR USE BY LAWYERS ONLY. THE SELECTION OF A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS AND INSERTION OF SPECIAL CLAUSES, CONSTITUTES THE PRACTICE OF LAW AND MAY ONLY BE DONE BY A LAWYER.

Mail tax bills to: **THREE RIVERS TITLE COMPANY, INC.**  
5809 Illinois Road  
Fort Wayne, Indiana 46804

78- 30017

# WARRANTY DEED

**This indenture witnesseth that** CARL NORMAN EDWARDS and LOIS R. EDWARDS,

Husband and Wife, each being over the age of eighteen (18) years

of Allen County in the State of Indiana

**Convey and warrant to** MARILYN UMBER and DWIGHT UMBER, Husband and Wife

of Allen County in the State of Indiana

for and in consideration of One (\$1.00) Dollar and other valuable consideration the receipt whereof is hereby acknowledged, the following Real Estate in Allen County in the State of Indiana, to wit:

Lot Number 2 in Pavey's Subdivision to Fort Wayne, according to the Plat thereof, recorded in Plat Record 14, page 124, in the Office of the Recorder of said County.

Subject to a certain mortgage dated November 4, 1965 in the principal sum of \$8,100.00 to Waterfield Mortgage Company recorded November 5, 1965 as Document No. 21699 in Mortgage Record 855, page 400-02 in the office of the Recorder of Allen County, which mortgage Grantees herein assume and agree to pay.

Subject to the first installment of 1978 real estate taxes, due and payable in May, 1979, and all subsequent taxes.

Subject to any assessments, easements and restrictions of record.

State of Indiana, Wells County, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 11th day of September 1978 personally appeared:

CARL NORMAN EDWARDS and LOIS R. EDWARDS, Husband and Wife, each being over the age of eighteen (18) years

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires July 11, 1981

*Lori A. Gehring*  
Lori A. Gehring Notary Public

Resident of Wells County.

Dated this 11th Day of September 1978

*Carl Norman Edwards* Seal

CARL NORMAN EDWARDS

Seal

*Lois R. Edwards* Seal  
LOIS R. EDWARDS

DULY ENTERED FOR TAXATION Seal

SEP 22 1978 Seal

*Jan D. Uebelacker* Seal  
AUDITOR OF ALLEN COUNTY

INSTRUMENT # 9170

This instrument prepared by DuWayne W. Herman, HERMAN & YATES, 1800 Fort Wayne National Bank Building, Fort Wayne, Indiana 46802.

Attorney at Law

MAIL TO: FWF

COP

EXHIBIT "A"



Mail tax bills to:

M. Jack Powell, Jr.  
8721 Breakwater Drive  
Fort Wayne, Indiana 46804

85-029591

DULY ENTERED FOR TAXATION

CORPORATE DEED OCT 11 1985

THIS INDENTURE WITNESSETH, That Allen County Bank and Trust Company  
AUDITOR OF ALLEN COUNTY  
("Grantor"), a corporation organized and

existing under the laws of the State of Indiana, CONVEYS  
AND WARRANTS — ~~RELEASES AND EXITS CLAIMS AND INTERESTS~~ to Melvin J. Powell and  
Barbara B. Powell, husband and/or Allen County, in the State of  
Indiana, in consideration of ten dollars (\$10.00) and other  
valuable consideration the receipt of which is hereby acknowledged, the

following described real estate in Allen County, in the State of Indiana, to-wit:

PARCEL A:  
Lot Number 3 in Pavey's Subdivision to Fort Wayne, being a subdivision of part of the West half of the North East quarter of Section 7, Township 30 North, Range 12 East, in Allen County, Indiana, excepting therefrom the North 75 feet thereof as conveyed to the State of Indiana by deeds recorded as Deed Record 369, page 67, and Deed Record 664, pages 97-98.

PARCEL B:  
Lot Number 10, except the West 15 feet thereof, conveyed to the County of Allen, Indiana, recorded as Document Number 76-11268, in Pavey's Subdivision to Fort Wayne, being a subdivision of part of the West half of the North East quarter of Section Township 30 North, Range 12 East, in Allen County, Indiana.

PARCEL C:  
Lot Number 9, except the West 320 feet thereof, in Pavey's Subdivision to Fort Wayne, being a Subdivision of part of the West half of the North East quarter of Section Township 30 North, Range 12 East, in Allen County, Indiana.

Subject to all real property taxes due and payable in May, 1986 and all subsequent real property taxes which the grantees herein expressly agree to assume and pay.

Subject to all easements, uses and restrictions of record. Subject to all laws, regulations and ordinances regarding zoning of the subject real estate.

\*wife, and as tenants by the entireties with rights of survivorship, an undivided two-thirds interest and to M. Jack Powell, Jr. an undivided one-third interest, such fractional interests to be held as tenants in common and not as joint tenants with rights of survivorship. The undersigned person(s) executing this deed represent(s) and certify (certifies) on behalf of the Grantor, that ~~each of~~ the undersigned is a duly elected officer of the Grantor and has been fully empowered by proper resolution, or the by-laws of the Grantor, to execute and deliver this deed; that the Grantor is a corporation in good standing in the State of its origin and, where required, in the State where the subject real estate is situate; that the Grantor has full corporate capacity to convey the real estate described; and that all necessary corporate action for the making of this conveyance has been duly taken. The Grantor also represents that there is not due any Indiana taxes owing as a result of this conveyance.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 10th

day of October, 19 85 Allen County Bank and Trust Company

By Saundra E. Williams (Name of Corporation) 76

Saundra E. Williams, President

(Printed Name, and Office)

(Printed Name, and Office)

STATE OF INDIANA }  
COUNTY OF ALLEN }

SS:

Before me, a Notary Public in and for said County and State, personally appeared Allen County

Bank and Trust Company ~~xxx~~ by its President, Saundra xxx E. Williams

~~xxx~~ ~~respectively~~ ~~xxx~~  
who acknowledged execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 10th day of October, 1985

My Commission Expires: Jan. 20, 1988 Signature Paul C. Raver, Jr.

Resident of DeKalb County, Indiana Printed Paul C. Raver, Jr., Notary Public

This instrument prepared by Raver, Jordan & Associates by Paul C., Attorney at Law.

Mail to: 8721 Breakwater Drive  
Fort Wayne, Indiana 46804

EXHIBIT "B"



10140

## Warranty Deed

Book 597 Page 294

This Indenture Witnesseth, That FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF FORT WAYNE, ~~an Indiana corporation~~, a corporation,

of Allen County, in the State of Indiana

Convey and Warrant to DEWAYNE H. FAIRCHILD AND CAROL MARIE FAIRCHILD, HUSBAND AND WIFE

of ALLEN County, in the State of INDIANA, for and in consideration of ELEVEN THOUSAND AND 00/100 (\$11,000.00) Dollars, the receipt whereof is hereby acknowledged, the following described Real Estate in ALLEN County in the State of Indiana, to-wit:

East 1/2 of Lot Number 4 in Pavey's Subdivision to Fort Wayne, being a Subdivision of Part of the West 1/2 of the Northeast 1/4 of Section 7, Township 30 North, Range 12 East, in Allen County, Indiana, according to the recorded plat thereof.

Subject to all taxes and assessments.

Grantor herein by the undersigned officers states that there is no Indiana Gross Income Tax due upon the proceeds received from the transfer of the real estate hereinabove described, or any interest therein, at the time of this conveyance.



DULY ENTERED FOR TAXATION

JAN 12 1962

Robert C. [Signature]  
Auditor of Allen County

(The warranty in this deed shall extend only to the acts of the grantor herein)

In Witness Whereof, The said FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF FORT WAYNE, ~~an Indiana corporation~~, a corporation,

has hereunto set its hand and seal, this 12th day of January 1962

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF FORT WAYNE

Attest J. Kenneth Richards (Seal) Ralph W. Doctor (Seal)

J. Kenneth Richards  
Secretary-Treasurer

Ralph W. Doctor  
Vice-President

(Seal)

(Seal)

This instrument was prepared  
by JAMES W. JACKSON

STATE OF INDIANA, ALLEN COUNTY, SS:

Before me, the undersigned, a Notary Public, in and for said County and State, this 12th day of January A.D. 1962, personally appeared the within named corporation, FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF FORT WAYNE, ~~an Indiana corporation~~, Ralph W. Doctor, as Vice President, and J. Kenneth Richards, Treasurer

Grantor in the above conveyance, and acknowledged the execution of the same to be its voluntary act and deed, for the uses and purposes herein mentioned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my commission expires June 21, 1965

Gelsomina

EXHIBIT "C"



WITH  
ORIGINAL

Book 670 Page 267 **Warranty Deed** **8159**

THIS INDENTURE WITNESSETH, That **CARL W. MOEHLE**, single and over the age of 21 years,

of **Allen** County, in the State of **Indiana** Convey and Warrant to **DeWAYNE H. FAIRCHILD and CAROL M. FAIRCHILD**, husband and wife,

of **Allen** County, in the State of **Indiana**, for and in consideration of the sum of **ONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATIONS**,

the receipt whereof is hereby acknowledged, the following described Real Estate in **Allen** County, in the State of **Indiana**, to-wit:

The West one-half ( $\frac{1}{2}$ ) of Lot Number Four (4) in Pavey's Subdivision to Fort Wayne, being a subdivision of part of the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of Section 7, Township 70 North, Range 12 East,

Subject to the second installment of the taxes for the year 1965, due and payable in the year 1966.



1966 APR 22 AM 9 16

ALLEN COUNTY RECORDER

DULY ENTERED FOR TAXATION

APR 22 1966

*Walter A. Summers*  
AUDITOR OF ALLEN COUNTY

In Witness Whereof, The said grantor

has hereunto set his hands and seal, this 21<sup>st</sup> day of April, 1966,

(Seal) *Carl W. Moehle* (Seal)

(Seal) \_\_\_\_\_ (Seal)

(Seal) \_\_\_\_\_ (Seal)

STATE OF INDIANA, **Allen** COUNTY, as:

Before me, the undersigned, a Notary Public in and for said County, this

21<sup>st</sup> day of April, 1966, came

**Carl W. Moehle**, single and over the age of 21 years,

and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.

My Commission expires June 14, 1968

*James Forth*  
James Forth

Notary Public

This instrument prepared by: **James Forth, Attorney-at-Law**

Instrument # 3772

5905 Illinois Road



# WARRANTY DEED

13416

This indenture witnesseth that DOROTHY L. VAN ZANT, over the age of 21 years,

of Allen County in the State of Indiana

Conveys and warrants to RUSSELL RAY CLINE AND EDNA LILLIAN CLINE, as tenants by the entirety

of Allen County in the State of Indiana

for and in consideration of Ten Dollars (\$10.00) and other valuable consideration the receipt whereof is hereby acknowledged, the following Real Estate in Allen County in the State of Indiana, to wit:

Allen County Recorder  
1970 AUG 21 AM 11 05

The East Half (1/2) of Lot Numbered Five (5) in Pavey's Subdivision to the City of Fort Wayne, as per the Plat thereof recorded in Plat Record 14, page 124 in the office of the Recorder of Allen County, Indiana

Subject to:

- (1) Easements, rights-of-way, and restrictions of public record.
- (2) Lien of taxes due and payable in November, 1970, and all subsequent taxes.
- (3) Restrictions in zoning ordinances.
- (4) Unrecorded easements for roads, highways, and public utilities.
- (5) Lien of all special assessments, if any.

State of Indiana, Allen County, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 21 day of August 1970 personally appeared:

DOROTHY L. VAN ZANT, over the age of 21 years,

REAL ESTATE TRANSFER  
VALUATION AFFIDAVIT FILED

Walter D. Summers  
AUDITOR, ALLEN COUNTY

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereto subscribed my name and affixed my official seal. My commission expires 12-4-70

Stephen D. Long  
Notary Public

Dated this 21 Day of August 1970

Dorothy L. Van Zant Seal  
(Dorothy L. Van Zant)

DULY ENTERED FOR TAXATION

AUG 21 1970

Walter D. Summers  
AUDITOR OF ALLEN COUNTY

This instrument was prepared by

Stephen D. Long

Member of Allen County

Indiana Bar Association

MAIL TO:

Mrs. Russell Cline  
5415 Indiana Road

EXHIBIT "E"



THIS FORM HAS BEEN APPROVED BY THE INDIANA STATE BAR ASSOCIATION FOR USE BY LAWYERS ONLY. THE SELECTION OF A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS AND INSERTION OF SPECIAL CLAUSES, CONSTITUTES THE PRACTICE OF LAW AND SHOULD BE DONE BY A LAWYER.

MAIL TAX DUPLICATES TO:  
5925 Illinois Road, Fort Wayne, Indiana

WARRANTY DEED

3880

This indenture witnesseth that BETTY L. COX, over the age of twenty-one years,

of Allen County in the State of Indiana,

Conveys and warrants to BETTY L. COX and HAZEL E. COMBS, as joint tenants with the right of survivorship and not as tenants in common,

of Allen County in the State of Indiana,  
for and in consideration of One Dollar (\$1.00)  
the receipt whereof is hereby acknowledged, the following Real Estate in Allen County in the State of Indiana, to wit:

The West One-half (1/2) of Lot Number Five (5) in Pavey's Subdivision to the City of Fort Wayne, except Sale Off for Highway purposes as shown in Deed Record 369, at page 67 in the office of the Recorder of said County,

Subject to all real estate taxes, encumbrances and restrictions of record.

Grantor hereby represents and warrants that she is the Betty L. Cox named as one of the Grantees in the Administrator's Deed for said real estate dated February 14, 1961, and that the Elmer E. Taylor named as the other Grantee in said Deed died on August 2, 1967, and left this Grantor him surviving.

Allen County Recorder  
1970 MAR 9 PM 3 47

State of Indiana, Allen County, ss:  
Before me, the undersigned, a Notary Public in and for said County and State, this 28th day of February 1970 personally appeared: Betty L. Cox, over the age of twenty-one years,

REAL ESTATE TRANSFER  
VALUATION AFFIDAVIT FILED  
Walter H. Summers  
AUDITOR, ALLEN COUNTY

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires 4-14-73 19

Joseph Romano  
Notary Public

Dated this 28 Day of February 1970  
Betty L. Cox Seal  
(Betty L. Cox)  
Seal  
DULY ENTERED FOR TAXATION Seal  
MAR - 9 1970 Seal  
Walter H. Summers Seal  
TOR OF ALLEN CO.  
Seal



This Indenture Witnesseth, That Max E. Blaugh and Lois Blaugh,  
husband and wife,

ROTHY E. RAY  
RECORDER  
ALLEN COUNTY, IND.  
1955 AUG 18 PM 1:41

of Allen County, in the State of Indiana,  
Convey and Warrant to Paul E. Ginder and Wilma M. Ginder, as husband  
and wife,  
of Allen County, in the State of Indiana, for and in consideration  
of Ten thousand and 00/100 - - - - - Dollars,  
the receipt whereof is hereby acknowledged, the following described Real Estate in  
Allen County in the State of Indiana, to-wit:

Commencing at the intersection of the Illinois and  
Getz Roads at the North  $\frac{1}{4}$  corner of Section 7, Town-  
ship 30 North, Range 12 East, Allen County, Indiana;  
thence East on the center line of said Illinois Road  
a distance of 360 feet to the place of beginning;  
thence East on said center line of said Illinois Road  
68 feet; thence South 640.5 feet to a point 428 feet  
East of the center line of said Getz Road; thence  
West on a line parallel with the center line of said  
Illinois Road 68 feet; thence North 640.5 feet to  
the place of beginning containing one acre more or  
less. Said tract of real estate is also known as the  
East  $\frac{1}{4}$  of Lot Numbered Six (6) in Payey's Sub-division  
to the City of Fort Wayne, according to the recorded  
plat of said Sub-division.

Subject to the taxes for the year 1955 due and payable  
in the year 1956, pro-rated to the date of this deed,  
to all subsequent taxes, to all assessments, to all  
easements and to any restrictions legally imposed upon  
the use of said real estate.

Subject also to a mortgage dated August 3, 1950, execu-  
ted to Dime Trust & Savings Bank, upon which mortgage  
there is now due the sum of \$ 2252.05. Grantees herein  
assume and agree to pay the balance of said mortgage  
indebtedness as a part of the above stated consideration.

In Witness Whereof, The said

grantors



have hereunto set their hands and seals, this 17th day of August, 1955.

*Max E. Blaugh*  
(Max E. Blaugh)

(Seal)

*Lois Blaugh*  
(Lois Blaugh)

(Seal)

(Seal)

DULY ENTERED FOR TAXATION

(Seal)

(Seal)

AUG 18 1955

(Seal)

*George Bond*

STATE OF INDIANA, ALLEN COUNTY, SS:

Before me, the undersigned, a Notary Public, in and for said County and State, this 17th

day of August, A.D. 1955, personally appeared the within named Max E.  
Blaugh and Lois Blaugh, husband and wife,

Grantor E. in the above conveyance, and acknowledged  
the execution of the same to be their voluntary act and deed for the uses and purposes herein mentioned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission expires March 16, 1957. *James E. Crossman* Notary Public.

(James E. Crossman)



78-35746

78-35746

## WARRANTY DEED

This indenture witnesseth that

HARRY E. FULTZ and EVELYN M. FULTZ  
husband and wife, each over the age  
of 18 years

of Allen

County in the State of

Indiana

Convey and warrant to

MERLE L. CARTER

NOTARY PUBLIC  
ALLEN COUNTY, INDIANA  
NOV 6 1978 PM 1:25

of Allen

County in the State of

Indiana

for and in consideration of One Dollar (\$1.00) and other valuable consideration  
the receipt whereof is hereby acknowledged, the following Real Estate in Allen County  
in the State of Indiana, to wit:

West 1/2 of Lot Number Six (6) in Pavey's Sub-  
division to Fort Wayne, being a subdivision of  
the part of the West half of the Northeast quarter  
of Section Seven (7), Township Thirty (30) North,  
Range Twelve (12) East, in Allen County, Indiana,  
commonly known as 6009 Illinois Road, Fort Wayne,  
Indiana.

Subject to all easements, highways, right of ways and restrictions  
of record.

Subject to all taxes and assessments payable hereafter.

State of Indiana, DeKalb

County, ss:

Before me, the undersigned, a Notary Public in and for said County  
and State, this 2nd day of April 1976  
personally appeared:

Harry E. Fultz and Evelyn M. Fultz  
husband and wife, each over the age  
of 18 years.

Dated this 2nd Day of April 1976

Harry E. Fultz Seal  
HARRY E. FULTZ

Evelyn M. Fultz Seal  
EVELYN M. FULTZ

DULY ENTERED FOR TAXATION Seal

NOV - 6 1978

Jan R. Hebert Seal  
AUDITOR OF ALLEN COUNTY

Lois Kester Notary Public  
Lois Kester

INSTRUMENT L 10,894

This instrument prepared by Phyllis Gratz Poff, 211 North Cedar Street  
Auburn, Indiana Attorney at Law

MAILED TO: Merle L. Carter, 6011 Illinois Road  
Fort Wayne, Indiana 46804

EXHIBIT "H"

76- 18320

# QUIT-CLAIM DEED

This indenture witnesseth that PHYLLIS J. CARTER, over the age of twenty-one (21) years,

of Allen County in the State of Indiana

Releases and quit claims to MERLE L. CARTER

of Allen County in the State of Indiana  
for and in consideration of One Dollar (\$1.00) and other valuable consideration  
the receipt whereof is hereby acknowledged, the following Real Estate in Allen County  
in the State of Indiana, to wit:

Lot Number 7 in Pavey's Subdivision to Fort Wayne, being a Subdivision of Part of the West Half of the Northeast Quarter, Section 7, Township 30 North, Range 12 East in Allen County, Indiana, as per the Plat thereof, recorded in Plat Record 14 page 124,

1976 JUL 30 PM 2:16  
ALLEN COUNTY CLERK  
James E. H. H.

State of Indiana, Allen County, ss:  
Before me, the undersigned, a Notary Public in and for said County and State, this 29 day of July 19 76  
personally appeared:

Phyllis J. Carter

Dated this 29 Day of July 19 76

Phyllis J. Carter Seal  
Phyllis J. Carter

Seal

Seal

DULY ENTERED FOR TAXATION

Seal

JUL 30 1976

Jan D. Uebelacker Seal  
AUDITOR OF ALLEN COUNTY

Instrument J. 5558 Seal

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires 4-1-1980

Ramon S. Perry  
RAMON S. PERRY Notary Public

This instrument prepared by Ramon S. Perry, Attorney at Law



THIS FORM HAS BEEN APPROVED BY THE INDIANA STATE BAR ASSOCIATION FOR USE BY LAWYERS ONLY. THE SELECTION OF A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS AND INSERTION OF SPECIAL CLAUSES, CONSTITUTES THE PRACTICE OF LAW AND MAY ONLY BE DONE BY A LAWYER.

Mail tax bills to:  
Southeast Mortg. Co.  
1390 Brickell Avenue  
Miami, Florida 33131

# WARRANTY DEED

This indenture witnesseth that WILLIAM R. ANDRIOT, being over the age of eighteen (18) years

of Allen County in the State of Indiana

Conveys and warrants to ROBERT J. DILL and HILDA M. DILL, husband and wife

of Allen County in the State of Indiana  
for and in consideration of One Dollar (\$1.00) and other valuable consideration  
the receipt whereof is hereby acknowledged, the following Real Estate in Allen County  
in the State of Indiana, to wit:

The South One Hundred (100) feet of Lot Numbered Eight (8) in Pavey's Subdivision to Fort Wayne according to the Plat recorded in Plat Record 14 at page 124 in the Recorder's Office of Allen County, excepting therefrom the West Forty (40) feet thereof as recorded in Warranty Deed 76-11269 in the Office of the Recorder of Allen County, Indiana.

Subject to real estate taxes payable in May, 1983, and years subsequent.

Subject to a Mortgage dated October 12, 1978 in favor of Churchill Mortgage Company and recorded October 17, 1978 at 2:17 P.M. as Document No. 78-33156 which Mortgage was subsequently assigned to Federal National Mortgage Association by assignment recorded January 16, 1979 as Document No. 79-1561, upon which Mortgage the principal unpaid balance due is \$34,996.94, which balance the Grantees herein assume and agree to pay.

Grantees hereby assume and agree to pay the unpaid balance on the existing mortgage the debt secured thereby and also hereby assume the obligation of William R. Andriot under the terms of the instruments creating the loan to indemnify the Veterans Administration to the extent of any claim payment arising from the guaranty or insurance of the indebtedness above-mentioned.

Property Address: 1333 Getz Road, Fort Wayne, Indiana 46804

State of Indiana, Allen County, ss:  
Before me, the undersigned, a Notary Public in and for said County and State, this 18<sup>th</sup> day of June 19 82 personally appeared:

WILLIAM R. ANDRIOT, being over the age of eighteen (18) years

Dated this 18 Day of June 19 82  
  
Seal  
  
William R. Andriot  
WILLIAM R. ANDRIOT  
  
Seal  
  
DULY ENTERED FOR TAXATION  
  
JUN 18 1982  
  
Seal  
  
Gloria J. Goglein  
AUDITOR OF ALLEN COUNTY  
  
Seal  
  
Seal

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires September 20 19 83

*Darice L. Hobbs*  
Darice L. Hobbs, Notary Public

Resident of Allen County:  
A. Dale Bloom, 1514 Anthony Wayne Bank Bldg.  
Fort Wayne, Indiana 46802--(219) 424-5930

This instrument prepared by Attorney at Law



Ohio Indenture Witnesseth, That John W. Hughes, Sr., and Rosa B. Hughes, husband and wife, each over the age of 21 years

1957 JUL 15 AM 11:18

COROTHY E. PAVET  
RECORDED  
ALLEN COUNTY, IND.

of Allen County, in the State of Indiana  
Convey and Warrant to Richard Earl Kimmel and Eileen Ruth Kimmel,  
husband and wife,

of Allen County, in the State of Indiana, for and in consideration  
of One Thousand Two Hundred Fifty (\$1,250.00) Dollars,  
the receipt whereof is hereby acknowledged, the following described Real Estate in  
Allen County in the State of Indiana, to-wit:

The North One Hundred (100) feet of the South  
Two Hundred (200) feet of Lot numbered Eight (8)  
Pavey's Subdivision to Fort Wayne, Indiana,  
being a subdivision of part of the West one-half  
of the Northeast one-quarter of Section seven,  
Township Thirty North, Range Twelve East, in Allen  
County, Indiana, according to the recorded plat  
thereof. Subject to all legal highways and ease-  
ments for public utilities.

DULY ENTERED FOR TAXATION  
JUL 15 1957

George B. Bond  
Auditor of Allen County



In Witness Whereof, The said Grantors

have hereunto set their hands and seals, this 28<sup>th</sup> day of June 1957

(Seal) John W. Hughes, Sr. (Seal)  
John W. Hughes, Sr.

(Seal) (Seal)

(Seal) Rosa B. Hughes (Seal)  
Rosa B. Hughes

This Deed prepared by  
L. M. Bane, Atty.

STATE OF INDIANA, Allen COUNTY, IN

Before me, the undersigned, a Notary Public, in and for said County and State, this 28<sup>th</sup>  
day of June A.D. 1957, personally appeared the within named John W. Hughes, Sr.,  
and Rosa B. Hughes, husband and wife, each over the age of 21  
Years

Grantor & in the above conveyance, and acknowledged  
the execution of the same to be their voluntary act and deed, for the uses and purposes herein mentioned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission expires February 24, 1958

L. M. Bane Notary Public.

COMPARED  
WITH



Mail tax bills to:

85-029591

DULY ENTERED FOR TAXATION

M. Jack Powell, Jr.  
8721 Breakwater Drive  
Port Wayne, Indiana 46804

CORPORATE DEED

CT 11 1985

THIS INDENTURE WITNESSETH, That Allen County Bank and Trust Company

AUDITOR OF ALLEN COUNTY  
("Grantor"), a corporation organized and

existing under the laws of the State of Indiana, CONVEYS

AND WARRANTS — ~~REDEEMABLE AND EXTINGUISHABLE~~ to Melvin J. Powell and

Barbara B. Powell, husband and/or Allen County, in the State of

Indiana, in consideration of ten dollars (\$10.00) and other

valuable consideration the receipt of which is hereby acknowledged, the

following described real estate in Allen County, in the State of Indiana, to-wit:

PARCEL A:

Lot Number 3 in Pavey's Subdivision to Fort Wayne, being a subdivision of part of the West half of the North East quarter of Section 7, Township 30 North, Range 12 East, in Allen County, Indiana, excepting therefrom the North 75 feet thereof as conveyed to the State of Indiana by deeds recorded as Deed Record 369, page 67, and Deed Record 664, pages 97-98.

PARCEL B:

Lot Number 10, except the West 15 feet thereof, conveyed to the County of Allen, Indiana, recorded as Document Number 76-11268, in Pavey's Subdivision to Fort Wayne being a subdivision of part of the West half of the North East quarter of Section Township 30 North, Range 12 East, in Allen County, Indiana.

PARCEL C:

Lot Number 9, except the West 320 feet thereof, in Pavey's Subdivision to Fort Wayne being a Subdivision of part of the West half of the North East quarter of Section Township 30 North, Range 12 East, in Allen County, Indiana.

Subject to all real property taxes due and payable in May, 1986 and all subsequent real property taxes which the grantees herein expressly agree to assume and pay.

Subject to all easements, uses and restrictions of record. Subject to all laws, regulations and ordinances regarding zoning of the subject real estate.

\*wife, and as tenants by the entireties with rights of survivorship, an undivided two-thirds interest and to M. Jack Powell, Jr. an undivided one-third interest, such fractional interests to be held as tenants in common and not as joint tenants with rights of survivorship.

The undersigned person(s) executing this deed represent(s) and certify(ies) on behalf of the Grantor, that ~~each of~~ the undersigned is a duly elected officer of the Grantor and has been fully empowered by proper resolution, or the by-laws of the Grantor, to execute and deliver this deed; that the Grantor is a corporation in good standing in the State of its origin and, where required, in the State where the subject real estate is situate; that the Grantor has full corporate capacity to convey the real estate described; and that all necessary corporate action for the making of this conveyance has been duly taken. The Grantor also represents that there is not due any Indiana taxes owing as a result of this conveyance.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 10th

day of October, 19 85 Allen County Bank and Trust Company

By Saundra E. Williams By Saundra E. Williams

(Printed Name, and Office)

(Printed Name, and Office)

STATE OF INDIANA

COUNTY OF ALLEN

SS:

Before me, a Notary Public in and for said County and State, personally appeared Allen County

Bank and Trust Company ~~xxx~~ by its President, Saundra xxx E. Williams

~~xxx~~ ~~respectively~~ of

who acknowledged execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 10th day of October, 1985

My Commission Expires: Jan. 20, 1988 Signature Paul C. Raver, Sr.

Resident of DeKalb County, Indiana Printed Paul C. Raver, Sr., Notary Public

This instrument prepared by Raver, Jordan & Associates by Paul C., Attorney at Law.

Mail to: Raver, Sr.

INSTRUMENT T 7993

3HT THE ALLEN COUNTY INDIANA BAR ASSOCIATION, INC. FEB 1978

EXHIBIT "L"



THIS FORM HAS BEEN APPROVED BY THE INDIANA STATE BAR ASSOCIATION FOR USE BY LAWYERS ONLY. THE SELECTION OF A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS AND INSERTION OF SPECIAL CLAUSES, CONSTITUTES THE PRACTICE OF LAW AND MAY ONLY BE DONE BY A LAWYER.

85-029343

TAX KEY NO: \_\_\_\_\_

MAIL TAX BILLS TO:

1413 GETZ  
FRWAYNE IN

## QUIT-CLAIM DEED

This indenture witnesseth that

Allen County Bank and Trust Company  
an Indiana Corporation

of Allen

County in the State of Indiana

Releases and quit claims to

Robert E. Connolly, an unmarried  
individual over the age of Eighteen (18)  
years

of Allen

County in the State of Indiana

for and in consideration of one dollar and other valuable consideration  
the receipt whereof is hereby acknowledged, the following Real Estate in Allen County  
in the State of Indiana, to wit:

The West 320 Feet of Lot 19 Pavey's Subdivision except the  
North 75 feet thereof, as recorded in the plat thereof in  
the office of the recorder of Allen County Indiana.

This deed releases any and all easement, rights of way,  
or other rights of ingress and egress granted to the  
grantor herein by a Quit Claim deed executed by the  
Grantee herein, and all other claims Grantor may have  
to the referenced property.

Grantor recites that there are no Indiana Gross Corporate  
Income taxes due and owing as a result of this transaction.

1985 OCT 10 AM 8:06  
ALLEN COUNTY RECORDER  
William D. Young

State of Indiana, Allen County, ss:

Before me, the undersigned, a Notary Public in and for said County  
and State, this 9th day of October 1985,  
personally appeared:

Allen County Bank and Trust  
Company, an Indiana Corporation  
by: SAUNDRA E. WILLIAMS  
PRESIDENT

Dated this 9th Day of October 1985

Allen County Bank and Trust

By: Sandra E. Williams  
President

Seal

DULY ENTERED FOR TAXATION

Seal

OCT 09 1985

Seal

Gloria J. Goggin  
AUDITOR OF ALLEN COUNTY

Seal

And acknowledged the execution of the foregoing deed. In witness  
whereof, I have hereunto subscribed my name and affixed my of-  
ficial seal. My commission expires January 22 1986.

William D. Young  
Notary Public

Resident of \_\_\_\_\_ County

This instrument prepared by \_\_\_\_\_ Robert E. Connolly

MAIL TO:

1413 GETZ Rd

EXHIBIT "M"



85-029342

Tax Key No. \_\_\_\_\_

All tax bills to:

413 Getz Road  
Fort Wayne, IN 46802

# WARRANTY DEED

This indenture witnesseth that

KYLE L. HOWARD, unmarried and over the  
age of eighteen (18) years

f Marion

County in the State of

Indiana

Convey and warrant to

ROBERT E. CONNOLLY, unmarried and over the  
age of eighteen (18) years

f Allen

County in the State of Indiana

for and in consideration of Ten Dollars (\$10.00) and other valuable and sufficient consideration  
the receipt whereof is hereby acknowledged, the following Real Estate in Allen  
County  
in the State of Indiana, to wit:

Lot Number Nine (9), except the West 320 feet of the North  
75 feet in Pavey's Subdivision as recorded in the Plat thereof  
in the office of the Recorder of Allen County, Indiana.

Subject to the second installment of taxes for 1984 due and  
payable in November, 1985 and all subsequent taxes and  
assessments.

Subject to all easements, rights of way, conditions, restric-  
tions and limitations of record as well as all applicable  
zoning ordinances.

This deed reflects final payment and delivery of title  
pursuant to the certain Contract for Conditional Sale  
of Real Estate dated August 2, 1979 between grantor and  
grantee herein and recorded in the office of the Recorder  
of Allen County Indiana as Document Number 79-25166.

State of Indiana, Allen County, ss:

Before me, the undersigned, a Notary Public in and for said County  
and State, this 9th day of October 1985  
personally appeared:

Kyle L. Howard, unmarried and  
over the age of eighteen (18)  
years.

And acknowledged the execution of the foregoing deed. In witness  
whereof, I have hereunto subscribed my name and affixed my of-  
ficial seal. My commission expires August 22 19 87

Justina M. Hoke Notary Public

Resident of Allen County.

Robert E. Connolly

This instrument prepared by

1413 Getz Road  
Fort Wayne, IN 46802

MAIL TO:

Dated this 9 Day of Oct. 1985

KYLE L. HOWARD

DULY ENTERED FOR TAXATION

OCT 09 1985

AUDITOR OF ALLEN COUNTY

INSTRUMENT T

7913

Attorney at Law

7-2382

THIS FORM HAS BEEN APPROVED BY THE INDIANA STATE BAR ASSOCIATION FOR USE BY LAWYERS ONLY. THE SELECTION OF A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS AND INSERTION OF SPECIAL CLAUSES, CONSTITUTES THE PRACTICE OF LAW AND MAY ONLY BE DONE BY A LAWYER.

Mail tax bills to:

Thomas J. Brewer, Jr.  
1403 Getz Road  
Fort Wayne, IN 46804

# WARRANTY DEED

84-028793

This indenture witnesseth that

ALVIN W. FRITZ and ALICE J. FRITZ,  
Husband and Wife, each being over  
the age of eighteen (18) years,

of Allen

County in the State of

Indiana

Convey and warrant to

THOMAS J. BREWER, JR.

NOV 26 PM 2:02  
ALLEN COUNTY RECORDER  
Office of County

of Allen County in the State of Indiana  
for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable  
the receipt whereof is hereby acknowledged, the following Real Estate in  
in the State of Indiana, to wit: Allen County

Part of Lot Number 9 in Pavey's Subdivision to Fort Wayne, being a subdivision of part of the West 1/2 of the Northeast 1/4 of Section 7, Township 30 North, Range 12 East, in Allen County, Indiana, described as follows: Starting at the Northwest corner of said Lot Number 9, thence South along Getz Road 75 feet; thence East parallel with the North line of said Lot 9, 320 feet; thence North 75 feet to the North line of said Lot Number 9; thence West along said North line of Lot Number 9, 320 feet to the place of beginning, except part of the Northeast Quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

The West 15.0 feet of the North 75.0 feet of the West 295.0 feet of Lot 9, Pavey's Subdivision to the City of Fort Wayne, Indiana, containing 0.03 acres of land, more or less.

SUBJECT TO the current installment of real estate taxes, and all subsequent real estate taxes, all zoning laws and ordinances, building, use and occupancy restrictions, building lines, easements and rights of way-of-record.

State of Indiana, Steuben County, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 20th day of November, 1984, personally appeared:

ALVIN W. FRITZ and ALICE J. FRITZ, Husband and Wife, each being over the age of eighteen (18) years,

Dated this 20th Day of November, 1984

ALVIN W. FRITZ

ALICE J. FRITZ

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires August 8, 1988

Jackeline M. Mitchell Notary Public

Resident of Steuben County

INSTRUMENT S 9048

This instrument prepared by Steven H. Hazelrigg, Shoaff, Parker & Keegan  
2400 Fort Wayne National Bank Bldg. Fort Wayne, Indiana 46802 at Law



Mail tax bills to:

M. Jack Powell, Jr.  
8721 Breakwater Drive  
Fort Wayne, Indiana 46804

85-029591

DULY ENTERED FOR TAXATION

CORPORATE DEED OCT 11 1985

THIS INDENTURE WITNESSETH, That Allen County Bank and Trust Company

AUDITOR OF ALLEN COUNTY  
("Grantor"), a corporation organized and

existing under the laws of the State of Indiana, CONVEYS

AND WARRANTS — ~~RELEASES AND QUIT CLAIMS~~ to Melvin J. Powell and

Barbara B. Powell, husband and Allen County, in the State of

Indiana, in consideration of ten dollars (\$10.00) and other

valuable consideration the receipt of which is hereby acknowledged, the

following described real estate in Allen County, in the State of Indiana, to-wit:

PARCEL A:

Lot Number 3 in Pavey's Subdivision to Fort Wayne, being a subdivision of part of the West half of the North East quarter of Section 7, Township 30 North, Range 12 East, in Allen County, Indiana, excepting therefrom the North 75 feet thereof as conveyed to the State of Indiana by deeds recorded as Deed Record 369, page 67, and Deed Record 664, pages 97-98.

PARCEL B:

Lot Number 10, except the West 15 feet thereof, conveyed to the County of Allen, Indiana, recorded as Document Number 76-11268, in Pavey's Subdivision to Fort Wayne, being a subdivision of part of the West half of the North East quarter of Section Township 30 North, Range 12 East, in Allen County, Indiana.

PARCEL C:

Lot Number 9, except the West 320 feet thereof, in Pavey's Subdivision to Fort Wayne, being a Subdivision of part of the West half of the North East quarter of Section Township 30 North, Range 12 East, in Allen County, Indiana.

Subject to all real property taxes due and payable in May, 1986 and all subsequent real property taxes which the grantees herein expressly agree to assume and pay.

Subject to all easements, uses and restrictions of record. Subject to all laws, regulations and ordinances regarding zoning of the subject real estate.

\*wife, and as tenants by the entireties with rights of survivorship, an undivided two-thirds interest and to M. Jack Powell, Jr. an undivided one-third interest, such fractional interests to be held as tenants in common and not as joint tenants with rights of survivorship. The undersigned persons executing this deed represent(s) and certify (certifies) on behalf of the Grantor, that each of the undersigned is a duly elected officer of the Grantor and has been fully empowered by proper resolution, or the by-laws of the Grantor, to execute and deliver this deed; that the Grantor is a corporation in good standing in the State of its origin and, where required, in the State where the subject real estate is situated; that the Grantor has full corporate capacity to convey the real estate described; and that all necessary corporate action for the making of this conveyance has been duly taken. The Grantor also represents that there is not due any Indiana taxes owing as a result of this conveyance.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 10th

day of October, 19 85 Allen County Bank and Trust Company

By Saundra E. Williams By Saundra E. Williams

Saundra E. Williams, President

(Printed Name, and Office)

(Printed Name, and Office)

STATE OF INDIANA

COUNTY OF ALLEN

SS:

Before me, a Notary Public in and for said County and State, personally appeared Allen County

Bank and Trust Company ~~xxx~~ by its President, Saundra xxx E. Williams

~~xxx~~ ~~respectively~~ who acknowledged execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 10th day of October, 1985

My Commission Expires: Jan. 20, 1988 Signature Paul C. Raver, Jr.

Resident of DeKalb County, Indiana Printed Paul C. Raver, Jr. Notary Public

This instrument prepared by Raver, Jordan & Associates by Paul C., Attorney at Law.

Raver, Sr.

EXHIBIT "O"

INSTRUMENT T 7993



DB  
432  
Pg  
605

# Warranty Deed

This Indenture Witnesseth, That WILLIAM H. JACOBS AND ALMA L. JACOBS, husband and wife,

CARL W. REKEWEG  
RECORDER  
ALLEN COUNTY, IND.

of Allen County, in the State of Indiana 1950 SEP 12 PM 3:10  
Convey and Warrant to HARRY A. JACOBS AND MARY C. JACOBS, husband and wife,

of Allen County, in the State of Indiana for and in consideration  
of FIVE THOUSAND AND 00/100 - - - - - Dollars,  
the receipt whereof is hereby acknowledged, the following described Real Estate  
in Allen County in the State of Indiana, to-wit:

Lot numbered 11 in Pavey's Subdivision to Fort Wayne, being a subdivision of part of the west half of the northeast quarter of Section 7, Township 30 north, Range 12 east, according to recorded plat thereof.

Subject to that certain mortgage given to Woodburn State Bank, Woodburn, Indiana, in the original principal sum of \$3,500, recorded in Mortgage Record 459, page 195, of the records in the office of the Recorder of Allen County, Indiana, upon which mortgage there is a present principal balance due of \$2402.98.

Subject also to that certain second mortgage given to John S. Leavell and Della B. Leavell, husband and wife, in the original principal sum of \$1,593.32, recorded in Mortgage Record 478, page 334, of the records in the office of the Recorder of Allen County, Indiana, upon which mortgage there is a present principal balance due of \$1194.04.

Subject to the taxes for the second half of the year 1949, due and payable in the fall of 1950, and all subsequent taxes and special assessments; otherwise free and unencumbered.

In Witness Whereof, The said Grantors

Duly Entered for Taxation  
SEP 12 1950  
Fred L. Thompson,  
Auditor Allen County, Indiana

have hereunto set their hands and seals, this 11th day of September 19 50

(Seal) William H. Jacobs (Seal)  
William H. Jacobs

(Seal) Alma L. Jacobs (Seal)  
Alma L. Jacobs

(Seal) Alma L. Jacobs (Seal)  
Alma L. Jacobs

STATE OF INDIANA, Allen COUNTY, ss:

Before me, the undersigned, a Notary Public, in and for said County and State, this 11th day of September A.D. 1950, personally appeared the within named William H. Jacobs and Alma L. Jacobs, husband and wife,



Grantor S in the above conveyance, and acknowledged the same to be their voluntary act and deed, for the uses and purposes herein mentioned.

WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission expires August 30, 1952

Lona Baker Notary Public  
Lona Baker



THIS FORM HAS BEEN APPROVED BY THE INDIANA STATE BAR ASSOCIATION FOR USE BY LAWYERS ONLY. THE SELECTION OF A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS AND INSERTION OF SPECIAL CLAUSES, CONSTITUTES THE PRACTICE OF LAW AND MAY ONLY BE DONE BY A LAWYER.

Mail tax bills to: 1529 Getz Road, Fort Wayne, Indiana 46804  
THREE RIVERS TITLE COMPANY, INC. **WARRANTY DEED** 78-28941  
THREE RIVERS TITLE COMPANY, INC. 78-28941

This indenture witnesseth that R. STEVEN SNIDER and CINDA L. SNIDER, husband and wife, each being over the age of eighteen (18) years,

of Allen County in the State of Indiana

Convey and warrant to HOWARD T. MILLER and THELMA J. MILLER, husband and wife,

of Allen County in the State of Indiana  
for and in consideration of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the following Real Estate in Allen County in the State of Indiana, to wit:

Lot Number Twelve (12) in Pavey's Subdivision to Fort Wayne, being a subdivision of part of the west one-half (1/2) of the northeast one-quarter (1/4) of Section 7, Township 30 North, Range 12 East, in Allen County, Indiana  
(known as 1529 Getz Road, Fort Wayne, Indiana)

Subject to all restrictions, limitations and easements of record.

Subject to the outstanding real estate mortgage to First Federal Savings and Loan Association of Fort Wayne, dated September 3, 1976, in the original principal sum of \$26,600.00, recorded September 9, 1976, as Document No. 76-22354 in the Office of the Recorder of Allen County, Indiana, the unpaid balance of which, i.e., \$ 25,880.04 grantees assume and agree to pay.

Subject to real estate taxes for the year 1978, due and payable in May, 1979, and all real estate taxes and assessments thereafter.

State of Indiana, Allen County, ss:  
Before me, the undersigned, a Notary Public in and for said County and State, this 7th day of August, 1978, personally appeared:

R. STEVEN SNIDER and CINDA L. SNIDER, husband and wife, each being over the age of eighteen (18) years,

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires November 14, 1979

Lois D. Moppert  
LOIS D. MOPPERT, Notary Public

Resident of Allen County.

Dated this 7th day of August, 1978.

R. Steven Snider  
(R. Steven Snider) Seal

Cinda L. Snider  
(Cinda L. Snider) Seal

DULY ENTERED FOR TAXATION

SEP 14 1978

James D. Vebelkaer  
AUDITOR OF ALLEN COUNTY Seal

INSTRUMENT L 8774

This instrument prepared by EDWARD J. MOPPERT

Attorney at Law



Warranty Deed

13875

Book 598 Page 448

This Indenture Witnesseth, That LAURA L. PRICE, single and over the age of twenty-one years

of Allen County, in the State of Indiana  
Convey and Warrant to ROBERT F. LAISURE and AUDREY L. LAISURE, husband and wife

of Allen County, in the State of Indiana, for and in consideration of ONE DOLLAR and other good and valuable considerations *Reburs.* the receipt whereof is hereby acknowledged, the following described Real Estate in Allen County in the State of Indiana, to-wit:

West 325 feet of the North 70 feet of Lot No. 13 in Pavey's Subdivision to the N.E. Section 7, T 30 N Range 12 E. Commonly known as 1617 Getz Road, Fort Wayne, Indiana

*Richard Hartman*  
ALLEN COUNTY RECORDER  
92 FEB 15 PM 3 36

DULY ENTERED FOR TAXATION

FEB 15 1962

*Robert C. Lambrough*  
Auditor of Allen County

In Witness Whereof, The said LAURA L. PRICE

has hereunto set her hand and seal, this 12th day of February 19 62

(Seal) *Laura L. Price* (Seal)  
LAURA L. PRICE  
(Seal) (Seal)  
(Seal) (Seal)

STATE OF INDIANA, ALLEN COUNTY, SS:

12th

Before me, the undersigned, a Notary Public, in and for said County and State, this

day of February, A.D., 1962, personally appeared the within named

Laura L. Price

Grantor in the above conveyance, and acknowledged the execution of the same to be her voluntary act and deed, for the uses and purposes herein mentioned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission expires March 15, 1963

*MABEL*  
MABEL

EXHIBIT R



80- 09700

Mail tax bills to:  
1617 Getz Rd.  
Ft. Wayne, In. 46804

## WARRANTY DEED

This indenture witnesseth that

AUDREY L. LAISURE, unmarried  
surviving tenant by the entireties of Robert F. Laisure and Audrey L.  
Laisure, and being over the age of twenty-one years

of Allen County in the State of Indiana

Convey and warrant to KAREN K. SPRINGER

of Allen County in the State of Indiana  
for and in consideration of One Dollar (\$1.00) and other valuable consideration  
the receipt whereof is hereby acknowledged, the following Real Estate in Allen County  
in the State of Indiana, to wit:

The West 325 feet of the North 70 feet of Lot No. 13 in Pavey's  
Subdivision to the N.E. 1/4 Section 7, Township 30 North, Range  
12 East commonly known as 1617 Getz Road, Fort Wayne, Indiana.

Subject to all restrictions, limitations, conditions and covenants  
of record and to all streets, highways, rights-of-way and easements  
of record.

Subject also to real estate taxes as they become due and payable.

Grantor herein warrants that she is the surviving unmarried widow  
of Robert F. Laisure, with whom she took title to the above described  
real estate, which marriage continued uninterrupted from the date  
of taking title on February 12, 1962 until his death on December 23,  
1979.

ALLEN COUNTY RECORDER  
MAY - 5 PM 12:30  
Springer & Young

State of Indiana, Allen County, ss:

Before me, the undersigned, a Notary Public in and for said County  
and State, this 31st day of March 1980  
personally appeared:

Audrey L. Laisure

Dated this 31st Day of March 1980

Audrey L. Laisure Seal  
AUDREY L. LAISURE

DULY ENTERED FOR TAXATION

MAY - 5 1980

Alexis J. Goglein Seal  
AUDITOR OF ALLEN COUNTY

And acknowledged the execution of the foregoing deed. In witness  
whereof, I have hereunto subscribed my name and affixed my of-  
ficial seal. My commission expires September 19 1980

James E. Springer Notary Public

Resident of LaGrange County.

INSTRUMENT N 1699 Seal

This instrument prepared by JAMES E. SPRINGER Attorney at Law

MAIL TO: Karen Springer, 4227 Ara Drive,  
Woodburn, In. 46797

EXHIBIT 5



CO- **Executor's Deed**

76-014256

MARJORIE MAXINE FUSSELMAN and ROBERT F. LAISURE

Executors of the last will of LAURA L. PRICE, deceased

being Estate No. E-75-543

Executors, by order of the Allen Judge of the Allen Superior Court of Allen County, in the State of Indiana, entered in Order Book 18 of said Court, on page 107, CONVEY to

DANNY L. SPRINGER and KAREN K. SPRINGER, husband and wife,

of Allen County, in the State of Indiana

for the sum of Twenty Thousand (\$20,000.00) Dollars,

the following REAL ESTATE in Allen County, in the State of Indiana,

to wit: Lot 13 except the West 325 feet of the North 70 feet in Pavey's Subdivision to Fort Wayne, being a subdivision of part of the West 1/2 of the Northeast 1/4 of Section 7, Township 30 North, Range 12 East, in Allen County, Indiana.

Subject to taxes due and payable in November, 1976, and all subsequent taxes and assessments.

DULY ENTERED FOR TAXATION

JUN 18 1976

Jean D. Hebelhaer  
AUDITOR OF ALLEN COUNTY

Instrument J 3880

IN WITNESS WHEREOF, The said Marjorie Maxine Fusselman and Robert F. Laisure

Executors as aforesaid have their hand and seal this

13 day of April A. D. 19 76

APPROVED this 19 day of April, 1976.

Robert L. Wyss

Judge, Allen Superior Court

State of Indiana, Allen

County, set:

Before me Doratheia B. Fraser, a Notary Public

in and for said County; this 13<sup>th</sup> day

of April A. D. 19 76, personally appeared Marjorie Maxine

Fusselman and Robert F. Laisure

Co- Executors of the last will of

Laura L. Price

deceased

and Marjorie Maxine Fusselman and Robert F. Laisure

as such Executors, acknowledge the execution of the annexed Deed.

WITNESS my hand and Notarial seal.

this instrument prepared by:  
ROBERT L. WYSS, Attorney at Law  
300 Lincoln Bank Tower  
Fort Wayne, Indiana 46802  
19/742-8223

Doratheia B. Fraser (SEAL)  
Doratheia B. Fraser, Notary Public

My comm

EXHIBIT S



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 23, 1986 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-12-22; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 15, 1986.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

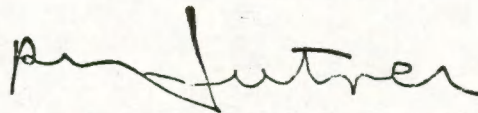
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 3, 1987.

Certified and signed this  
3rd day of March 1987.



Robert Hutner  
Secretary



BILL NO. Z-86-12-22

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort  
Wayne Zoning Map No. E-2

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(~~RESOLUTION~~)X Do Not Pass.

YES

NO

Janet G. Bradbury JANET G. BRADBURY  
CHAIRPERSON

Charles B. Redd CHARLES B. REDD  
VICE CHAIRMAN

Thomas C. Henry THOMAS C. HENRY

Paul M. Burns PAUL M. BURNS

Ben A. Eisbart BEN A. EISBART

CONCURRED IN 3-24-87.

SANDRA E. KENNEDY  
CITY CLERK

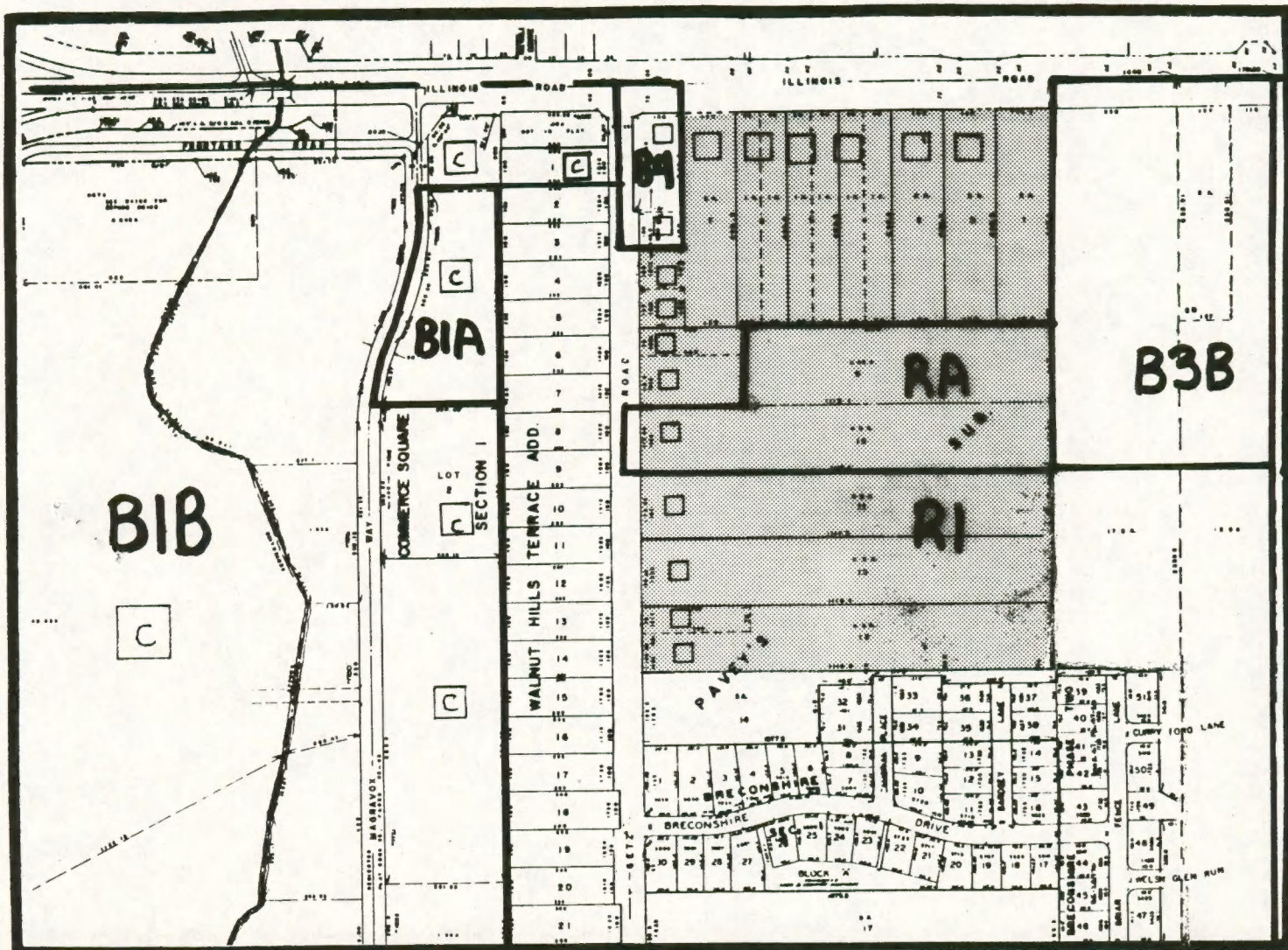


# REZONING PETITION #233

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-1 & R-A DISTRICT TO A B-3B DISTRICT.

MAP NO. M-2

COUNCILMANIC DISTRICT NO. 4



## ZONING:

RI RESIDENTIAL DISTRICT  
RA RESIDENCE 'A'  
BIA LIMITED BUSINESS 'A'  
BIB LIMITED BUSINESS 'B'  
B3B GENERAL BUSINESS 'B'

## LAND USE:

□ SINGLE FAMILY  
Ⓢ COMMERCIAL

SCALE: 1"=400'

DATE: 12-9-86

